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HOUSE BILL 1217

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State of Washington

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By Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell

Read first time 01/15/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to clubhouse rehabilitation services; and amending  
2 RCW 71.24.025, 71.24.037, and 49.19.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 71.24.025 and 2006 c 333 s 104 are each amended to  
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Acutely mentally ill" means a condition which is limited to a  
9 short-term severe crisis episode of:

10 (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
11 of a child, as defined in RCW 71.34.020;

12 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
13 case of a child, a gravely disabled minor as defined in RCW 71.34.020;  
14 or

15 (c) Presenting a likelihood of serious harm as defined in RCW  
16 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

17 (2) "Available resources" means funds appropriated for the purpose  
18 of providing community mental health programs, federal funds, except  
19 those provided according to Title XIX of the Social Security Act, and

1 state funds appropriated under this chapter or chapter 71.05 RCW by the  
2 legislature during any biennium for the purpose of providing  
3 residential services, resource management services, community support  
4 services, and other mental health services. This does not include  
5 funds appropriated for the purpose of operating and administering the  
6 state psychiatric hospitals.

7 (3) "Child" means a person under the age of eighteen years.

8 (4) "Chronically mentally ill adult" or "adult who is chronically  
9 mentally ill" means an adult who has a mental disorder and meets at  
10 least one of the following criteria:

11 (a) Has undergone two or more episodes of hospital care for a  
12 mental disorder within the preceding two years; or

13 (b) Has experienced a continuous psychiatric hospitalization or  
14 residential treatment exceeding six months' duration within the  
15 preceding year; or

16 (c) Has been unable to engage in any substantial gainful activity  
17 by reason of any mental disorder which has lasted for a continuous  
18 period of not less than twelve months. "Substantial gainful activity"  
19 shall be defined by the department by rule consistent with Public Law  
20 92-603, as amended.

21 (5) "Clubhouse" means a community-based program that provides  
22 rehabilitation services and is certified by the international center  
23 for clubhouse development.

24 (6) "Community mental health program" means all mental health  
25 services, activities, or programs using available resources.

26 ((+6+)) (7) "Community mental health service delivery system" means  
27 public or private agencies that provide services specifically to  
28 persons with mental disorders as defined under RCW 71.05.020 and  
29 receive funding from public sources.

30 ((+7+)) (8) "Community support services" means services authorized,  
31 planned, and coordinated through resource management services  
32 including, at a minimum, assessment, diagnosis, emergency crisis  
33 intervention available twenty-four hours, seven days a week,  
34 prescreening determinations for persons who are mentally ill  
35 ((persons)) being considered for placement in nursing homes as required  
36 by federal law, screening for patients being considered for admission  
37 to residential services, diagnosis and treatment for children who are  
38 acutely mentally ill ((and)) or severely emotionally disturbed

1 ((children)) discovered under screening through the federal Title XIX  
2 early and periodic screening, diagnosis, and treatment program,  
3 investigation, legal, and other nonresidential services under chapter  
4 71.05 RCW, case management services, psychiatric treatment including  
5 medication supervision, counseling, psychotherapy, assuring transfer of  
6 relevant patient information between service providers, recovery  
7 services, and other services determined by regional support networks.

8 ((+8)) (9) "Consensus-based" means a program or practice that has  
9 general support among treatment providers and experts, based on  
10 experience or professional literature, and may have anecdotal or case  
11 study support, or that is agreed but not possible to perform studies  
12 with random assignment and controlled groups.

13 ((+9)) (10) "County authority" means the board of county  
14 commissioners, county council, or county executive having authority to  
15 establish a community mental health program, or two or more of the  
16 county authorities specified in this subsection which have entered into  
17 an agreement to provide a community mental health program.

18 ((+10)) (11) "Department" means the department of social and  
19 health services.

20 ((+11)) (12) "Designated mental health professional" means a  
21 mental health professional designated by the county or other authority  
22 authorized in rule to perform the duties specified in this chapter.

23 ((+12)) (13) "Emerging best practice" or "promising practice"  
24 means a practice that presents, based on preliminary information,  
25 potential for becoming a research-based or consensus-based practice.

26 ((+13)) (14) "Evidence-based" means a program or practice that has  
27 had multiple site random controlled trials across heterogeneous  
28 populations demonstrating that the program or practice is effective for  
29 the population.

30 ((+14)) (15) "Licensed service provider" means an entity licensed  
31 according to this chapter or chapter 71.05 RCW or an entity deemed to  
32 meet state minimum standards as a result of accreditation by a  
33 recognized behavioral health accrediting body recognized and having a  
34 current agreement with the department, that meets state minimum  
35 standards or persons licensed under chapter 18.57, 18.71, 18.83, or  
36 18.79 RCW, as it applies to registered nurses and advanced registered  
37 nurse practitioners.

1        (~~(15)~~) (16) "Long-term inpatient care" means inpatient services  
2 for persons committed for, or voluntarily receiving intensive treatment  
3 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-  
4 term inpatient care" as used in this chapter does not include: (a)  
5 Services for individuals committed under chapter 71.05 RCW who are  
6 receiving services pursuant to a conditional release or a court-ordered  
7 less restrictive alternative to detention; or (b) services for  
8 individuals voluntarily receiving less restrictive alternative  
9 treatment on the grounds of the state hospital.

10        (~~(16)~~) (17) "Mental health services" means all services provided  
11 by regional support networks and other services provided by the state  
12 for (~~the~~) persons who are mentally ill.

13        (~~(17)~~) (18) "Mentally ill persons," "persons who are mentally  
14 ill," and "the mentally ill" mean persons and conditions defined in  
15 subsections (1), (4), (~~(26)~~) (27), and (~~(27)~~) (28) of this section.

16        (~~(18)~~) (19) "Recovery" means the process in which people are able  
17 to live, work, learn, and participate fully in their communities.

18        (~~(19)~~) (20) "Regional support network" means a county authority  
19 or group of county authorities or other nonprofit entity recognized by  
20 the secretary in contract in a defined region.

21        (~~(20)~~) (21) "Registration records" include all the records of the  
22 department, regional support networks, treatment facilities, and other  
23 persons providing services to the department, county departments, or  
24 facilities which identify persons who are receiving or who at any time  
25 have received services for mental illness.

26        (~~(21)~~) (22) "Research-based" means a program or practice that has  
27 some research demonstrating effectiveness, but that does not yet meet  
28 the standard of evidence-based practices.

29        (~~(22)~~) (23) "Residential services" means a complete range of  
30 residences and supports authorized by resource management services and  
31 which may involve a facility, a distinct part thereof, or services  
32 which support community living, for persons who are acutely mentally  
33 ill (~~persons~~), adults who are chronically mentally ill (~~adults~~),  
34 children who are severely emotionally disturbed (~~children~~), or adults  
35 who are seriously disturbed (~~adults~~) and determined by the regional  
36 support network to be at risk of becoming acutely or chronically  
37 mentally ill. The services shall include at least evaluation and  
38 treatment services as defined in chapter 71.05 RCW, acute crisis

1 respite care, long-term adaptive and rehabilitative care, and  
2 supervised and supported living services, and shall also include any  
3 residential services developed to service persons who are mentally ill  
4 (~~persons~~) in nursing homes, boarding homes, and adult family homes,  
5 and may include outpatient services provided as an element in a package  
6 of services in a supported housing model. Residential services for  
7 children in out-of-home placements related to their mental disorder  
8 shall not include the costs of food and shelter, except for children's  
9 long-term residential facilities existing prior to January 1, 1991.

10 ~~((+23))~~ (24) "Resilience" means the personal and community  
11 qualities that enable individuals to rebound from adversity, trauma,  
12 tragedy, threats, or other stresses, and to live productive lives.

13 ~~((+24))~~ (25) "Resource management services" mean the planning,  
14 coordination, and authorization of residential services and community  
15 support services administered pursuant to an individual service plan  
16 for: (a) Adults and children who are acutely mentally ill (~~adults and~~  
17 ~~children~~); (b) adults who are chronically mentally ill (~~adults~~); (c)  
18 children who are severely emotionally disturbed (~~children~~); or (d)  
19 adults who are seriously disturbed (~~adults~~) and determined solely by  
20 a regional support network to be at risk of becoming acutely or  
21 chronically mentally ill. Such planning, coordination, and  
22 authorization shall include mental health screening for children  
23 eligible under the federal Title XIX early and periodic screening,  
24 diagnosis, and treatment program. Resource management services include  
25 seven day a week, twenty-four hour a day availability of information  
26 regarding (~~mentally ill adults' and children's~~) enrollment of adults  
27 and children who are mentally ill in services and their individual  
28 service plan to designated mental health professionals, evaluation and  
29 treatment facilities, and others as determined by the regional support  
30 network.

31 ~~((+25))~~ (26) "Secretary" means the secretary of social and health  
32 services.

33 ~~((+26))~~ (27) "Seriously disturbed person" means a person who:  
34 (a) Is gravely disabled or presents a likelihood of serious harm to  
35 himself or herself or others, or to the property of others, as a result  
36 of a mental disorder as defined in chapter 71.05 RCW;  
37 (b) Has been on conditional release status, or under a less

1 restrictive alternative order, at some time during the preceding two  
2 years from an evaluation and treatment facility or a state mental  
3 health hospital;

4 (c) Has a mental disorder which causes major impairment in several  
5 areas of daily living;

6 (d) Exhibits suicidal preoccupation or attempts; or

7 (e) Is a child diagnosed by a mental health professional, as  
8 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
9 is clearly interfering with the child's functioning in family or school  
10 or with peers or is clearly interfering with the child's personality  
11 development and learning.

12 ((+27)) (28) "Severely emotionally disturbed child" or "child who  
13 is severely emotionally disturbed" means a child who has been  
14 determined by the regional support network to be experiencing a mental  
15 disorder as defined in chapter 71.34 RCW, including those mental  
16 disorders that result in a behavioral or conduct disorder, that is  
17 clearly interfering with the child's functioning in family or school or  
18 with peers and who meets at least one of the following criteria:

19 (a) Has undergone inpatient treatment or placement outside of the  
20 home related to a mental disorder within the last two years;

21 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
22 within the last two years;

23 (c) Is currently served by at least one of the following child-  
24 serving systems: Juvenile justice, child-protection/welfare, special  
25 education, or developmental disabilities;

26 (d) Is at risk of escalating maladjustment due to:

27 (i) Chronic family dysfunction involving a caretaker who is  
28 mentally ill or inadequate ((~~caretaker~~));

29 (ii) Changes in custodial adult;

30 (iii) Going to, residing in, or returning from any placement  
31 outside of the home, for example, psychiatric hospital, short-term  
32 inpatient, residential treatment, group or foster home, or a  
33 correctional facility;

34 (iv) Subject to repeated physical abuse or neglect;

35 (v) Drug or alcohol abuse; or

36 (vi) Homelessness.

37 ((+28)) (29) "State minimum standards" means minimum requirements  
38 established by rules adopted by the secretary and necessary to

1 implement this chapter for: (a) Delivery of mental health services;  
2 (b) licensed service providers for the provision of mental health  
3 services; (c) residential services; and (d) community support services  
4 and resource management services.

5 ~~((+29+))~~ (30) "Treatment records" include registration and all  
6 other records concerning persons who are receiving or who at any time  
7 have received services for mental illness, which are maintained by the  
8 department, by regional support networks and their staffs, and by  
9 treatment facilities. Treatment records do not include notes or  
10 records maintained for personal use by a person providing treatment  
11 services for the department, regional support networks, or a treatment  
12 facility if the notes or records are not available to others.

13 ~~((+30+))~~ (31) "Tribal authority," for the purposes of this section  
14 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
15 and the major Indian organizations recognized by the secretary insofar  
16 as these organizations do not have a financial relationship with any  
17 regional support network that would present a conflict of interest.

18 **Sec. 2.** RCW 71.24.037 and 2001 c 323 s 11 are each amended to read  
19 as follows:

20 (1) The secretary shall by rule establish state minimum standards  
21 for licensed service providers and services.

22 (2) Minimum standards for licensed service providers shall, at a  
23 minimum, establish: Qualifications for staff providing services  
24 directly to ~~((mentally ill))~~ persons who are mentally ill, the intended  
25 result of each service, and the rights and responsibilities of persons  
26 receiving mental health services pursuant to this chapter. The  
27 secretary shall provide for deeming of licensed service providers as  
28 meeting state minimum standards as a result of accreditation by a  
29 recognized behavioral health accrediting body recognized and having a  
30 current agreement with the department.

31 (3) Minimum standards for community support services and resource  
32 management services shall include at least qualifications for resource  
33 management services, client tracking systems, and the transfer of  
34 patient information between service providers.

35 (4) Minimum standards for clubhouses shall include certification by  
36 the international center for clubhouse development.

1       **Sec. 3.** RCW 49.19.010 and 2000 c 94 s 18 are each amended to read  
2 as follows:

3       For purposes of this chapter:

4       (1) "Health care setting" means:

5       (a) Hospitals as defined in RCW 70.41.020;

6       (b) Home health, hospice, and home care agencies under chapter  
7 70.127 RCW, subject to RCW 49.19.070;

8       (c) Evaluation and treatment facilities as defined in RCW  
9 71.05.020(~~(+12)~~); and

10       (d) Community mental health programs as defined in RCW  
11 71.24.025(~~(+5)~~).

12       (2) "Department" means the department of labor and industries.

13       (3) "Employee" means an employee as defined in RCW 49.17.020.

14       (4) "Violence" or "violent act" means any physical assault or  
15 verbal threat of physical assault against an employee of a health care  
16 setting.

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